

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY LONDON
INFO AMEMBASSY PARIS
AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: CIVAIR: BILATERAL CHARTER NEGOTIATIONS

1. DURING THE BILATERAL CONSULTATIONS IN WASHINGTON AUGUST 15-18 BOTH SIDES AGREED TO SCHEDULE OF NEGOTIATIONS ON LONG-TERM CHARTER UNDERSTANDING AS FOLLOWS: OCTOBER 5 WASHINGTON; OCTOBER 28 OR 31, LONDON; AND DECEMBER 5, WASHINGTON. US SIDE AGREED TO PROVIDE BRITISH WITH VARIOUS PAPERS SETTING FORTH US VIEWS WITH RESPECT TO ELEMENTS TO BE INCORPORATED IN CHARTER UNDERSTANDING. THESE PAPERS ARE IN PREPARATION, AND WE HOPE TO TRANSMIT THEM TO SHOVELTON BEFORE HE DEPARTS LONDON FOR MONTREAL.

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2. IN OUR VIEW, AN IMPORTANT AND DESIRABLE FEATURE OF NEW AGREEMENT WOULD BE INCORPORATED IN PROVISIONS RE-QUIRING THE DESIGNATION OF ONE GOVERNMENT AND THE LICENSING OF THE OTHER OF AIRLINES TO PERFORM CHARTER SERVICES. AS IN COMPARABLE PROVISIONS IN SCHEDULED AIR SERVICES AGREEMENT, THIS FEATURE WOULD PRECLUDE THE NECESSITY OF AIRLINES OBTAINING PRIOR APPROVAL FOR EACH CHARTER FLIGHT OR GROUP

OF FLIGHTS, SO LONG AS SUCH FLIGHTS WERE CONSISTENT WITH THE AGREEMENT. IT IS POSSIBLE THIS CONCEPT WILL GIVE BRITISH PHILOSOPHICAL AND PERHAPS LEGAL PROBLEMS.

3. AS IN PAST, WHEN CHARTER ISSUES WERE RAISED, WE ANTICIPATE THAT IN UPCOMING NEGOTIATIONS BRITISH WILL JUSTIFY RELUCTANCE TO MOVE TOWARD LIBERALIZING CHARTER AIR SERVICES ON BASIS OF COMMITMENTS TO ECAC. WHILE ECAC HAS MANY OF THE OUTWARD FORMS OF AN INTERNATIONAL ORGANIZATION (E.G. A FULL-TIME STAFF), WE VIEW IT UNOFFICIAL ASSOCIATION OF DIRECTORS GENERAL OF AVIATION OF EUROPEAN GOVERNMENTS. SO FAR AS WE KNOW, NO GOVERNMENT HAS GIVEN ECAC OFFICIAL STATUS OR SURRENDERED ANY AUTHORITY OR SOVEREIGNTY TO IT. ON OTHER HAND, DECISIONS AND RECOMMENDATIONS OF AN ASSOCIATION OF POLICY LEVEL GOVERNMENT OFFICIALS, HOWEVER UNOFFICIAL THAT ASSOCIATION MIGHT BE, HAS A CLEAR AND OBVIOUS EFFECT IN TURN UPON THE GOVERNMENTS AND THEIR POLICIES.

4. ACTION REQUESTED: EMBASSY IS REQUESTED COMMENT ON QUESTIONS RAISED PARAS 1 AND 2, ABOVE, I.E., CAN UK LEGALLY LICENSE AIRLINES TO PERFORM AGREED CHARTER AIR SERVICES WITHOUT REQUIRING APPROVAL FOR INDIVIDUAL FLIGHTS, OR SERIES OF FLIGHTS; AND DO "ECAC COMMITMENTS" (E.G., GEORGE ROGERS' SIGNATURE ON JUNE 1975 INTRA-ECAC MEMORANDUM OF UNDERSTANDING ON TRANSATLANTIC CHARTERS) LIMITED OFFICIAL USE

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CONSTITUTE AN OBLIGATION ON UKG OR UK DOT? WE REALIZE EMBASSY MAY HAVE TO RESORT TO BRITISH SOURCES IN PROVIDING ANSWERS TO THESE QUESTIONS, BUT WE PREFER THAT EMBASSY AVOID CONTACTING DOT. WOULD APPRECIATE INFO ADDRESSEES' COMMENTS.

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